

MONTANA LEGISLATIVE HISTORY

Chapter 253 19 95

Bill H _____ S 171 Original bill & history C

H. Committee on Business & Labor

Hearing Date(s) Feb 28 ✓ C

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_____ C

Date Out _____ C

S. Committee on Public Health, Welfare, & Safety

Hearing Date(s) Jan 30 ✓ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1/17	REFERRED TO TAXATION		
1/18	FISCAL NOTE REQUESTED		
1/21	FISCAL NOTE RECEIVED		
1/23	FISCAL NOTE PRINTED		
1/26	HEARING		
1/30	TABLED IN COMMITTEE		
3/29	MISSED TRANSMITTAL DEADLINE FOR 71ST DAY		
	DIED IN COMMITTEE		

SB 170 INTRODUCED BY KEATING, ET AL.

ELIMINATE IN-STATE BIDDERS PREFERENCE IN AWARDING PUBLIC CONTRACTS

1/17	INTRODUCED		
1/17	FIRST READING		
1/17	REFERRED TO BUSINESS & INDUSTRY		
1/18	FISCAL NOTE REQUESTED		
1/24	FISCAL NOTE RECEIVED		
1/24	FISCAL NOTE PRINTED		
2/01	HEARING		
2/03	COMMITTEE REPORT—BILL PASSED		
2/07	2ND READING DO PASS MOTION FAILED	16	34
2/07	2ND READING INDEFINITELY POSTPONED	36	14

SB 171 INTRODUCED BY FRANKLIN, ET AL.

REVISE PHYSICAL THERAPY LAWS

1/17	INTRODUCED		
1/17	FIRST READING		
1/17	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/25	FISCAL NOTE REQUESTED		
1/30	HEARING		
1/30	FISCAL NOTE RECEIVED		
1/30	FISCAL NOTE PRINTED		
1/31	COMMITTEE REPORT—BILL PASSED		
2/01	2ND READING PASSED AS AMENDED	48	0
2/02	3RD READING PASSED	46	2
	TRANSMITTED TO HOUSE		
2/03	FIRST READING		
2/03	REFERRED TO BUSINESS & LABOR		
2/28	HEARING		
3/01	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/03	2ND READING CONCURRED	96	4
3/04	3RD READING CONCURRED	90	7
	RETURNED TO SENATE WITH AMENDMENTS		
3/07	REVISED FISCAL NOTE RECEIVED FOR BILL		
	AS AMENDED BY BUSINESS & LABOR COMMITTEE		
3/08	REVISED FISCAL NOTE PRINTED		
3/08	2ND READING AMENDMENTS CONCURRED	48	0
3/09	3RD READING AMENDMENTS CONCURRED	45	2
3/22	SIGNED BY PRESIDENT		
3/23	SIGNED BY SPEAKER		
3/23	TRANSMITTED TO GOVERNOR		
3/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 253		
	EFFECTIVE DATE: 10/01/95		

SENATE BILL NO. 171

INTRODUCED BY

Franklin B. Bunting, McKee Burnett, Jackson, L. Hays, Cocchiarella, Lash, Christine

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PHYSICAL THERAPY LAWS; AUTHORIZING LICENSURE OF PHYSICAL THERAPIST ASSISTANTS AND ESTABLISHING STANDARDS FOR LICENSURE; CLARIFYING REQUIREMENTS FOR SUPERVISING PHYSICAL THERAPIST ASSISTANTS, AIDES, AND STUDENTS; ESTABLISHING CONTINUING EDUCATION REQUIREMENTS FOR PHYSICAL THERAPISTS AND ASSISTANTS BY RULE; AND AMENDING SECTIONS 37-11-101, 37-11-105, 37-11-201, 37-11-203, 37-11-301, 37-11-303, 37-11-304, 37-11-305, 37-11-306, 37-11-307, 37-11-308, 37-11-309, 37-11-320, AND 37-11-321, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because it grants the board of physical therapy examiners rulemaking authority to establish continuing education requirements for a physical therapist and a physical therapy assistant to obtain a license renewal. In adopting rules, the board should conform to continuing education standards for similar professions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-11-101, MCA, is amended to read:

"37-11-101. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

- (1) "Board" means the board of physical therapy examiners provided for in 2-15-1858.
- (2) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.
- (3) "Hearing" means the adjudicative proceeding concerning the issuance, denial, suspension, or revocation of a license, after which the appropriate action toward an applicant or licensee is to be determined by the board.
- (4) "Physical therapist" or "physiotherapist" means a person who practices physical therapy.
- (5) "Physical therapist assistant" or "assistant" means a person who:
 - (a) is a graduate of an accredited physical therapist assistant curriculum approved by the board;

1 and who

2 (b) assists a physical therapist in the practice of physical therapy; and whose activities require an
3 understanding of physical therapy

4 (c) is supervised by a licensed physical therapist as described in 37-11-105.

5 (6) "Physical therapist assistant student" means a person who is enrolled in an accredited physical
6 therapist assistant curriculum and who as part of the clinical and educational training is practicing under
7 the supervision of a licensed physical therapist as described in 37-11-105.

8 (7) "Physical therapy" means the evaluation, treatment, and instruction of human beings to detect,
9 assess, prevent, correct, alleviate, and limit physical disability, bodily malfunction and pain, injury, and any
10 bodily or mental conditions by the use of therapeutic exercise, prescribed topical medications, and
11 rehabilitative procedures for the purpose of preventing, correcting, or alleviating a physical or mental
12 disability.

13 (7)(8) "Physical therapy aide" or "aide" means a person who aids in the practice of physical
14 therapy, and whose activities require on-the-job training, and supervision who is supervised by a licensed
15 physical therapist who must be available for periodic checks during any procedure or treatment involving
16 a patient or a licensed physical therapist assistant as described in 37-11-105.

17 (8)(9) "Physical therapy practitioner", "physical therapy specialist", "physiotherapy practitioner",
18 or "manual therapists" are equivalent terms, and any derivation of the above or any letters implying the
19 above are equivalent terms; any. Any reference to any one of them the terms in this chapter includes the
20 others but does not include certified corrective therapists or massage therapists.

21 (9)(10) "Physical therapy student" or "physical therapy intern" means an individual who is enrolled
22 in an accredited physical therapy curriculum, and who, as part of his the individual's professional,
23 educational, and clinical training, is practicing in a physical therapy setting under the direction, guidance,
24 and observation of, and who is supervised by a licensed physical therapist as described in 37-11-105.

25 (10)(11) "Topical medications" means medications applied locally to the skin and includes only
26 medications listed in 37-11-106(2) for which a prescription is required under state or federal law."

27
28 **Section 2.** Section 37-11-105, MCA, is amended to read:

29 **"37-11-105. Supervision of physical therapist ~~assistant~~ assistant, physical therapy aide, physical**
30 **therapy student, or physical therapist assistant student. (1) A physical therapist assistant must shall**

practice under the ~~direct~~ supervision of a licensed physical therapist who is responsible for and participates in a patient's care. This supervision requires the licensed physical therapist to make an onsite visit to the client at least once for every six visits made by the assistant or once every 2 weeks, whichever occurs first.

(2) A licensed physical therapist may not concurrently supervise more than two full-time assistants or the equivalent. This supervision does not require the presence of the assistant.

(3) A physical therapy aide shall practice under the onsite supervision of a licensed physical therapist or a licensed assistant. A licensed assistant may not concurrently supervise more than one full-time aide or the equivalent. A licensed physical therapist may not concurrently supervise more than four aides or the equivalent or two assistants and two aides or the equivalent.

(4) A physical therapy student or physical therapist assistant student shall practice with the onsite supervision of a licensed physical therapist."

Section 3. Section 37-11-201, MCA, is amended to read:

"37-11-201. General powers -- rulemaking power -- records. (1) The board may:

(a) adopt rules to carry this chapter into effect;

(b) grant, suspend, and revoke licenses;

(c) issue subpoenas requiring the attendance of witnesses or the production of books and papers;

and

(d) take any other disciplinary action necessary to protect the public.

(2) The board shall:

(a) examine applicants for licenses three times a year at reasonable places and times determined by the board;

(b) review the qualifications of applicants who are approved for examination for licensure; and

(c) conduct written examinations that measure the qualifications of individual applicants along with any oral or practical examinations when determined by the board to be appropriate; and

(d) adopt rules to establish continuing education requirements of at least 20 hours biennially for license renewal for physical therapists and assistants.

(3) The department shall keep a record of the board's proceedings under this chapter and a register of persons licensed under it. The register must show the name of every ~~living~~ licensed physical therapist and licensed assistant, his the therapist's or assistant's last-known place of business, and last-known place

1 of residence, and the date of issue and the number of ~~his~~ every license and certificate ~~as a~~ issued to a
2 licensed physical therapist or licensed assistant.

3 (4) The department shall, during the month of April every year in which the renewal of licenses is
4 required, compile a list of licensed physical therapists authorized to practice physical therapy in the state
5 and shall mail, upon request, a copy of that list to the superintendent of every known hospital and every
6 person licensed to practice medicine and surgery in the state. An interested person in the state is entitled
7 to obtain a copy of the list on application to the department and payment of an amount not in excess of
8 the cost of the list ~~so furnished~~.

9 (5) The department may change addresses and surnames on the licensee's records only on the
10 specific written request by the individual licensee."
11

12 **Section 4.** Section 37-11-203, MCA, is amended to read:

13 **"37-11-203. Travel expense -- deposit of fees.** (1) Each board member shall receive compensation
14 and travel expenses as provided for in 37-1-133.

15 (2) All fees collected by the department ~~shall~~ must be deposited in the state special revenue
16 account for the use of the board, subject to 37-1-101(6). The department shall keep an accurate account
17 of funds received and expenditures made from the account.

18 ~~(3) The board of medical examiners shall transfer funds in the state special revenue account~~
19 ~~collected after January 1, 1979, which were derived from the examination and licensure or relicensure of~~
20 ~~physical therapists in this state to the state special revenue account designated as the "physical therapist~~
21 ~~account".~~
22

23 **Section 5.** Section 37-11-301, MCA, is amended to read:

24 **"37-11-301. License required for physical therapist and assistant -- ~~Unauthorized unauthorized~~**
25 **representation as licensed therapist.** (1) A person may not practice or purport to practice physical therapy
26 without first obtaining a license under the provisions of this chapter.

27 (2) A person who is not licensed under this chapter as a physical therapist, ~~or~~ whose license has
28 been suspended or revoked, or whose license has lapsed and has not been revived and who uses in
29 ~~connection with his name~~ the words or letters "L.P.T.", "Licensed Physical Therapist", "P.T.", "Physical
30 Therapist", "R.P.T.", "Registered Physical Therapist", or any other letters, words, or insignia indicating of

1 implying that ~~he~~ the person is a licensed physical therapist or who in any way, orally or in writing or in print
2 or by sign, directly or by implication, ~~represents himself as~~ purports to be a physical therapist ~~shall be is~~
3 guilty of a misdemeanor.

4 (3) A person who is not licensed as a physical therapist assistant in accordance with this chapter
5 may not assist a physical therapist in the practice of physical therapy."

6
7 **Section 6.** Section 37-11-303, MCA, is amended to read:

8 **"37-11-303. Qualifications of applicants for license.** (1) To be eligible for a license as a physical
9 therapist, an applicant must:

10 ~~(1)(a)~~ (a) be of good moral character and at least 18 years of age;

11 ~~(2)(b)~~ (b) have graduated from an accredited school of physical therapy approved by the board; and

12 ~~(3)(c)~~ (c) either:

13 ~~(a)(i)~~ (i) pass to the satisfaction of the board a written examination prescribed by the board and, if
14 considered necessary, an oral interview to determine the fitness of the applicant to practice as a physical
15 therapist; or

16 ~~(b)(ii)~~ (ii) be entitled to a license without examination under 37-11-307.

17 (2) To be eligible for a physical therapist assistant license, an applicant must:

18 (a) be of good moral character and at least 18 years of age;

19 (b) have graduated from an accredited physical therapist assistant curriculum approved by the
20 board; and

21 (c) have passed a written examination prescribed by the board."

22
23 **Section 7.** Section 37-11-304, MCA, is amended to read:

24 **"37-11-304. Application for examination -- fee.** (1) Unless entitled to a license under 37-11-307,
25 a person who desires to be licensed as a physical therapist or a physical therapist assistant shall apply to
26 the department in writing, on a form furnished by the department. ~~He~~ The person shall:

27 (a) ~~embody in that application~~ provide evidence under oath, satisfactory to the board, of ~~his~~
28 ~~possessing~~ having the qualifications preliminary to the examination required by 37-11-303; and

29 (b) pay to the department at the time of filing ~~his~~ the application a fee ~~as~~ established by the board
30 by rule. The fee must be commensurate with the cost of the examination and its administration and must

1 be deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6).

2 (2) Anyone failing to pass the required examination on ~~his~~ the first attempt is entitled to ~~sit for~~ take
3 a second examination and, if ~~he~~ the person fails the second examination, to ~~sit for~~ take a third
4 examination."

5
6 **Section 8.** Section 37-11-305, MCA, is amended to read:

7 "37-11-305. **Examination -- scope.** The department shall, subject to 37-1-101, examine applicants
8 for licenses as physical therapists and physical therapist assistants, at times and places the board
9 determines. The examinations ~~shall~~ must embrace subjects the board considers necessary to determine
10 the applicant's fitness."

11
12 **Section 9.** Section 37-11-306, MCA, is amended to read:

13 "37-11-306. **Issuance of license -- certificate as evidence.** The department shall ~~license as a~~
14 ~~physical therapist~~ issue a license to each applicant who proves to the satisfaction of the board ~~his~~ the
15 applicant's fitness for a physical therapist or physical therapist assistant license under this chapter. The
16 department shall also issue to each ~~person~~ licensed person a license certificate, which is prima facie
17 evidence of ~~the~~ that person's right ~~of the person to whom it is issued to represent himself to practice and~~
18 advertise as a licensed physical therapist or a physical therapist assistant, subject to the conditions and
19 limitations of this chapter."

20
21 **Section 10.** Section 37-11-307, MCA, is amended to read:

22 "37-11-307. **Applicants licensed in other states.** The board may, in its discretion, authorize the
23 department to issue a physical therapist or physical therapist assistant license ~~as a physical therapist~~,
24 without examination, on the payment of the required fee ~~as~~ established by the board, to an applicant ~~for~~
25 ~~license~~ who is a physical therapist or physical therapist assistant licensed under the laws of another state
26 or territory if the applicant has met the same requirements as applicants licensed by examination under this
27 chapter. ~~Those applicants who have been~~ An applicant licensed in another state or territory by examination
28 other than the examination recognized under this chapter may be considered for licensure by the board if
29 the requirements for a physical therapy license or a physical therapist assistant license in the state or
30 territory in which the applicant was tested were at least equal to those requirements in force in this state

at that time. However, the board may require a written, oral, or practical examination and may require continued study or refresher courses."

Section 11. Section 37-11-308, MCA, is amended to read:

"37-11-308. Annual renewal of license -- fee. A licensed physical therapist and a licensed physical therapist assistant shall, during January, apply to the department for a license renewal ~~of his license~~ and pay a fee ~~which shall be~~ set by board rule. A license that is not renewed before April every year automatically lapses. The board may, in its discretion, revive and renew a lapsed license on the payment of all past unpaid renewal fees or a late renewal fee."

Section 12. Section 37-11-309, MCA, is amended to read:

"37-11-309. Temporary license. (1) On payment to the department of a fee ~~which shall be~~ set by board rule and the submission of a written application on forms provided by ~~it~~ the board, the department shall issue, without examination, a temporary license to practice physical therapy in this state for a period not to exceed 1 year to a person who meets the qualifications set forth in 37-11-303, on submission by the person of evidence satisfactory to the board that ~~he~~ the person is in this state on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project.

(2) The board may, upon receipt of an application for examination and upon receipt of a temporary license fee not to exceed \$100, issue a temporary license to a person who has applied for a license under this chapter and who is, in the judgment of the board, eligible to take the examination provided for in 37-11-303. This applicant ~~must~~ shall work under the ~~direction, guidance, and observation~~ onsite supervision of a licensed physical therapist. This temporary license is available to an applicant only with respect to ~~his~~ the applicant's first application. The temporary license ~~shall expire~~ expires when the board makes a final determination on the applicant's examination scores.

(3) The board may require an oral interview of all persons applying for a temporary license.

(4) The board shall adopt necessary and reasonable rules governing the procedures for applying and issuing temporary licenses."

Section 13. Section 37-11-320, MCA, is amended to read:

"37-11-320. Duty to report violations -- immunity from liability. (1) Notwithstanding any provision

1 of state law regarding the confidentiality of health care information, a physical therapist or physical
2 therapist assistant shall report to the board any information that appears to show that another physical
3 therapist or physical therapist assistant is:

4 (a) mentally or physically unable to engage safely in the practice of physical therapy; or practice
5 as an assistant; or

6 (b) guilty of any act, omission, or condition that is grounds for disciplinary action under 37-11-321.

7 (2) There is no liability on the part of and no cause of action may arise against a physical therapist
8 or a physical therapist assistant who in good faith provides information to the board as required by
9 subsection (1)."

10
11 **Section 14.** Section 37-11-321, MCA, is amended to read:

12 **"37-11-321. Refusal to issue or renew license.** The board, after due notice and hearing, may
13 refuse to license any applicant; and may refuse to renew, may suspend, may revoke, or may take lesser
14 disciplinary action on the license of any licensed person who:

15 (1) is habitually intoxicated or is addicted to the use of narcotic drugs;

16 (2) has been convicted of violating any state or federal narcotic law, subject to chapter 1, part 2,
17 of this title;

18 (3) is, in the judgment of the board, guilty of immoral or unprofessional conduct as defined by
19 board rule;

20 (4) has been convicted of any crime involving moral turpitude, subject to chapter 1, part 2, of this
21 title;

22 (5) is guilty, in the judgment of the board, of gross negligence in ~~his~~ the practice ~~as a physical~~
23 therapist or physical therapy or practice as an assistant;

24 (6) has obtained or attempted to obtain licensure by fraud or material misrepresentation;

25 (7) has been declared to be seriously mentally ill by a court of competent jurisdiction and has not
26 ~~thereafter~~ been released from treatment and declared not to be seriously mentally ill;

27 (8) has treated or undertaken to treat ailments of human beings otherwise than by physical therapy;

28 (9) is guilty, in the judgment of the board, of conduct unbecoming a person licensed as a physical
29 therapist or assistant or of conduct detrimental to the best interests of the public; or

30 (10) has practiced physical therapy or has practiced as an assistant beyond the scope and limitation

1 of ~~his~~ the person's training and education."

2

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0171, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising physical therapy laws; authorizing licensure of physical therapist assistants and establishing standards for licensure; clarifying requirements for supervising physical therapist assistants, aides, and students; establishing continuing education requirements for physical therapists and assistants by rule.

ASSUMPTIONS:

1. Approximately 25 initial applicants will qualify as physical therapist assistants FY96 and 3 new applicants in FY97.
2. Approximately 700 licensees will be required to comply with continuing education requirements.
3. Revenues are projected to increase \$2,575 in FY96 and \$925 in FY97.
4. Fiscal impact will be minimal and can be absorbed in the budget recommendation contained in the Executive Budget.

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Revenues:</u>		
Application Fees	1,650	0
Examination & License Fees	300	300
Renewal Fees	625	625
Total	2,575	925
Physical Therapists SSR (02)	2,575	925

Dave Lewis 1-30-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Eve B. Franklin

EVE FRANKLIN, PRIMARY SPONSOR DATE

Fiscal Note for SB0171, as introduced

SB 171

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0171, third readingDESCRIPTION OF PROPOSED LEGISLATION:

An act revising physical therapy laws; authorizing licensure of physical therapist assistants and establishing standards for licensure; clarifying requirements for supervising physical therapist assistants, aides, and students; establishing continuing education requirements for physical therapists and assistants by rule.

ASSUMPTIONS:

1. Approximately 25 initial applications will qualify as physical therapist assistants in FY96 and 3 new applicants in FY97.
2. Approximately 700 licensees will be required to comply with continuing education requirements.
3. Revenues are projected to increase by \$2,575 in FY96 and \$925 in FY97.
4. Operating expenses for contracted services, printing, postage and mailing are anticipated to increase by \$6,000 in each year.

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Operating Expenses	6,000	6,000
<u>Funding:</u>		
Physical Therapists SSR (02)	6,000	6,000
<u>Revenues:</u>		
Application Fees	1,650	0
Examination & License Fees	300	300
Renewal Fees	625	625
Total	2,575	925
<u>Net Impact:</u>		
Physical Therapists SSR (02)	(3,425)	(5,075)

Dave Lewis 3-6-95
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Eve Franklin 3/7/95
 EVE FRANKLIN, PRIMARY SPONSOR DATE
 Fiscal Note for SB171, third reading

SB 171-#2

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. VICKI COCCHIARELLA questioned the retirement restriction hours. Ms. King said this was a bill to raise the limit on Public Employee Retirement System (PERS) retirees to return to work with any PERS employer after retirement. This was developed by the Interim Retirement Committee. These people could not come back to work for the state or university system. This is a separate kind of restriction.

REP. DON LARSON questioned the placement of the riffed employees. Carley Leonard, Helena Job Service, Department of Labor and Industry, said a report had been developed. She distributed a copy of the Job Registry quarterly report which listed the name of the agency, the vacancy announcements received, the number of jobs applicants were referred on, the number of applicants referred, the number of applicants hired and the number rehired by lay-off agency. EXHIBIT 2

CHAIRMAN SIMON asked which people from the legislative branch were being represented in this bill. REP. SQUIRES said the LFA, the Auditor's Office, EQC. CHAIRMAN SIMON asked if none of these people were considered permanent employees. Brian McCulloch, Department of Labor and Industry, said there is an exception in the law relative to the definition of state employees. These exempted persons are elected officials, county assessors, officers and employees of the legislative branch, and teachers under the Department of Corrections. CHAIRMAN SIMON then said this bill has an appropriation of nearly \$40,000 for each of the fiscal years. It appears as if the number of the people appearing in the registry is going down. Will this still take a full time position to handle the registry. REP. SQUIRES said she would like to leave that figure as is until the actual numbers are established.

Closing by Sponsor:

The sponsor closed.

HEARING ON SB 171Opening Statement by Sponsor:

SEN. EVE FRANKLIN, SD 21, Cascade County, stated this bill is an act revising physical therapy laws; authorizing licensure of physical therapist assistants and establishing standards for licensure; clarifying requirements for supervising physical therapist assistants, aides, and students and establishing

continuing education requirements for physical therapists and assistants by rule.

Proponents' Testimony:

Gail Wheatley, President, Montana Physical Therapy Association, stated there were approximately 600 physical therapists licensed in Montana and about 350 are engaged in active practice. There has been a shortage of physical therapists in Montana for many years. The purpose of the bill is to loosen the restrictions and allow the assistant to carry out treatment plans which have been designed by the licensed therapist and work independently off site with periodic reassessment by the physical therapist. This will dramatically improve the accessibility to physical therapy services, particularly in home care and rural areas. It is also anticipated the licensure of the assistant. **EXHIBIT 3**

Gary Lusin, Montana Physical Therapy Association, said this bill would provide him the opportunity to have access to physical therapist assistants who are well trained. It will decrease the time spent in training individuals. It will give access to individuals who can assist and work with therapists.

Richard Smith said his practice was in Missoula and supported this bill.

Kirk Hanson supported the bill.

Bob Olson, Montana Hospital Association, said the hospitals in rural Montana have sought this kind of relief for development of the physical therapy programs. People who need therapy must travel to the physical therapist and with this bill enacted, assistants would be able to administer assistance closer to their homes.

Shelly Griffin said she supported this bill.

Steve Meloy, Chief, Professional and Occupational Licensing Bureau, provides administrative staff work for the Board of Physical Therapy. From the Department's prospective, this bill allows that Board which has a high cash balance to draw down that balance doing something they believe in that will make their profession better.

Mona Jamison, American Physical Therapists Association, said assistants are already recognized and acknowledged in Montana statute. The supervision of the assistant will be by visiting the patient who is receiving the services of the assistant. The physical therapist can actually gauge the progress in terms of the implementation of the particular treatment plan that has been developed.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. CHARLES DEVANEY said there was mention of accredited programs. Are they in Montana now. Ms. Wheatley said there are no accredited programs in Montana. College of Technology in Great Falls is working on a program.

REP. LARSON asked if there was a demand for assistants now. Ms. Wheatley said yes.

REP. SLITER questioned the Board of Physical Therapy Assistants and if one would be established. Mr. Meloy said they would be under the jurisdiction of the Board of Physical Therapists.

Closing by Sponsor:

The sponsor closed.

TAPE 1, SIDE B

EXECUTIVE ACTION ON SB 171

Motion: REP. ELLIS MOVED SB 171 BE CONCURRED IN. REP. HERRON MOVED THE AMENDMENTS.

Vote: Motion carried to adopt the Herron amendments 17-1 with REP. COCCHIARELLA voting no.

Motion/Vote: REP. ELLIS MOVED SB 171 BE CONCURRED IN AS AMENDED. Motion carried 18-0.

EXECUTIVE ACTION ON HB 490

Motion/Vote: REP. CARLEY TUSS MOVED HB 490 DO PASS. REP. DEVANEY MOVED THE AMENDMENTS. Motion carried to adopt the amendments 18-0.

Motion/Vote: REP. TUSS MOVED HB 490 DO PASS AS AMENDED. Motion carried 17-1 with REP. KEENAN voting no.

HOUSE OF REPRESENTATIVES

Business and Labor

ROLL CALL

DATE 2-28-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chairman, Majority	X		
Rep. Bob Pavlovich, Vice Chairman, Minority	X		
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella	X		
Rep. Charles Devaney	X		
Rep. Jon Ellingson	X		
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss	X		



HOUSE STANDING COMMITTEE REPORT

February 28, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Business and Labor report that Senate Bill 171 (third reading copy -- blue) be concurred in as amended.

Signed: _____

Bruce Simon
Bruce Simon, Chair

And, that such amendments read:

Carried by: Rep. Bohlinger

1. Page 6, line 6.

Following: "examination."

Insert: "A person who fails the third examination is required to successfully complete additional education as required by the board before retaking the examination."

-END-

Committee Vote:

Yes 18 No 0

47122000 H.H.

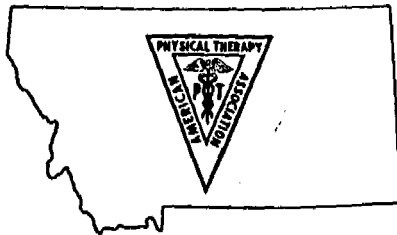


EXHIBIT 3
DATE 2-28
HB SB 171
MONTANA CHAPTER
OF THE
AMERICAN PHYSICAL THERAPY ASSOCIATION

February 28, 1995

To: Chairman Simon
Members of the House Business and Labor Committee

From: Gail Wheatley, P.T. - Great Falls *GW*
President, Montana Physical Therapy Association

re: SB 171 - licensure of physical therapist assistants

Thank you for the opportunity to comment this morning on SB 171, proposed by the Montana Physical Therapy Association and sponsored by Senator Eve Franklin and Representative John Bohlinger. There are approximately 600 physical therapists licensed in Montana; about 350 are engaged in active practice. We work in a variety of settings providing rehabilitative and preventive services to clients of all ages: hospitals, nursing homes, rehabilitation facilities, schools, home care, job sites/industry, and private offices. Physical therapy is routinely reimbursed by Worker's Compensation, Medicare and Medicaid and private carriers. That's the good news. The bad news is that there has been a shortage of physical therapists in Montana for many years. Our association has debated the issue for some time and offer what we believe is an innovative solution to a difficult problem. Physical therapist assistants are currently recognized in our Practice Act for having graduated from a two year program with an associate degree, but the supervision requirements are strict and non-yielding. We propose to loosen those restrictions, allow the assistant to carry out treatment plans which have been designed by the licensed therapist and work independently off-site with periodic reassessment by the physical therapist. This will dramatically improve the accessibility to physical therapy services, particularly in home care and our rural areas. In return for that increase in responsibility and independence, we are asking for examination and licensure of the physical therapist assistant. We believe this will provide much needed services to our residents and take steps to ensure quality and public safety. We anticipate cost savings with physical therapy availability closer to home, not necessitating longer stays in higher cost "urban" facilities. Insurance companies may in time make reimbursement adjustments for care given by the assistant as is currently seen for physician's assistants.

In addition we are proposing continuing education for relicensure of physical therapists and assistants. There are ample opportunities to obtain the suggested number of hours without leaving the state, through quality programs offered by this association as well as those being given by other facilities and organizations across the state. We are committed to provision of quality care to our clients and wish to make every effort to ensure that physical therapy providers in Montana stay current and informed in a rapidly changing profession and health care environment.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 2-28-

BILL NO. SB 171 SPONSOR(S) Franklin

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support
Bob Olson	Montana Hospital Assoc	✓
Richard Smith (Missoula)	MT. Physical Therapy Assoc	✓
Sally Zucini Boreman	MT PT Assoc	✓
Shelly Griffin (Billings)	1 st P.T. and Smith P.T	✓
Brian Wheatley (GF)	Missouri River Medical	✓
Lorin Wright	Raid Lodge PT	✓
Gail Wheatley (GF)	MT Phys Therapy Assoc	✓
Donna Alvin Helene	MT PT Assoc	✓
Terry Kren	DOC	✓
KIRK HARRISON	PT - Helena	✓
Mura Harrison	PT Assoc.	✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By CHAIRMAN JIM BURNETT, on January 30, 1995, at 1:00 p.m.

ROLL CALL

Members Present:

Sen. James H. "Jim" Burnett, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Sharon Estrada (R)
Sen. Arnie A. Mohl (R)
Sen. Mike Sprague (R)
Sen. Dorothy Eck (D)
Sen. Eve Franklin (D)

Members Excused: Senator Terry Klampe

Members Absent: None

Staff Present: Susan Fox, Legislative Council
Serena Andrew, Acting for Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 171, HB 36
Executive Action: SB 157, SB 84, SB 171, HB 36

{Tape: 1; Side: 1}

HEARING ON SB 171

Opening Statement by Sponsor:

SENATOR EVE FRANKLIN, SD #21, GREAT FALLS, requested committee support of her bill to license physical therapist assistants (PTA'S). Completion of a two-year academic-based technical program would be necessary to become a licensed PTA and PTA'S would work under supervision of a physical therapist.

Intent of the bill is to provide increased services where physical therapists are not available - basically in rural areas.

For example, the Libby hospital advertised for a physical therapist for a year and could not find one.

This bill would require a licensed physical therapist to supervise every six weeks by evaluating the patient's progress. The PTA would carry out therapy plans designed by a professional. This program has been requested by physical therapists, who see a need for these services to be provided safely. The bill would also provide for continuing education by physical therapists and PTA'S.

Proponents' Testimony:

GAIL WHEATLEY, President, Montana Physical Therapists Association, spoke in support of the bill as an aid to physical therapy patients in rural areas (EXHIBIT #1).

LORIN WRIGHT, Red Lodge Physical Therapy, also supported the bill, stating that he is the only physical therapist in his area and needs to travel for an hour each way to treat one patient (EXHIBIT #2).

GARY LUCENE, Bozeman, said he is often asked to provide services in Three Forks. People in pain do not want to travel and it is not medically healthy for them to travel.

Individuals who choose to be a PTA and would like to stay in the state can't because the profession is not licensed in Montana. Also, PTA's tend to stay in their home areas while physical therapists move. **Mr. Lucene** was also in favor of continuing education; it is very inexpensive and not a burden.

MICHELLE REED, Montana Association of Home Health Agencies, supported SB 171. Maximum benefits will be derived from the services of PTA'S supervised by licensed physical therapists, who seldom work in home settings. Passage of this bill will shorten recovery time and reduce costs for patients.

The present law does not allow PTA'S to carry out a program without direct supervision. If this bill passes and proper rules are promulgated, there will be no problem with federal law.

DICK BROWN, Montana Hospital Association, said all the hospitals belonging to his association are considered rural, have the same problems, and expect to benefit from passage of SB 171 (EXHIBIT #3).

JOE SMITH, Smith Physical Therapy, Billings, supported the bill for the same reasons given in previous testimony, adding that licensing PTA's works in other states.

SHELLY GRIFFIN, Smith Physical Therapy, Billings, also supported the bill.

DICK CAPPIS, American Physical Therapy Association, Fort Benton, said he supported the bill.

MONA JAMISON, Montana Chapter, Physical Therapy Association, said her organization is frequently asked what can be done to address the shortage of physical therapists. Physical therapist assistants already work in Montana; this is not a new class of practitioner. They are already required to attend an approved two-year program; however, they are not licensed, do not have to take an exam and need direct supervision. This bill is oriented toward the welfare of all physical therapy patients.

Ms. Jamison presented a suggested amendment to the bill (EXHIBIT #4).

JERRY LINDORF, Montana Medical Association, supported the bill.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR MIKE SPRAGUE asked if passage of SB 171 would create some new jobs. SENATOR FRANKLIN responded that there is a potential for new jobs - possibly as many as 30.

Closing by Sponsor:

SENATOR FRANKLIN said in closing that one physical therapist can't supervise more than two assistants, who can't supervise more than two aides. As a care provider, she said she was particularly sensitive to someone who could give this kind of care and not present a big bill.

HEARING ON HB 36

Opening Statement by Sponsor:

REPRESENTATIVE DEBBIE SHEA, HD #35, BUTTE, said the purpose of HB 36 was to clean up legislation from the last session that failed to allow the Montana Chemical Dependency Center (MCDC) at Butte to assess and collect disbursements as was historically done when the center was located on the Galen campus.

Proponents' Testimony:

DARRYL BRUNO, Administrator of the Alcohol and Drug Abuse Division of the Montana Department of Corrections & Human Services, commented that HB 36 is a badly needed bill (EXHIBIT #5).

Opponents' Testimony:

There were no opponents to HB 36.

try to amend an increase in that tax into this bill. In the long term, she thought people should be looking at an increase in the alcohol tax to pay for the cost of the detox program.

SENATOR BENEDICT said three counties have created a problem for the rest of the state. Shrinking revenues from the sale of alcohol are likely. Services should go where they will do the most good.

SENATOR BAER said SENATOR BENEDICT had alleviated some of his concerns about this bill but he was concerned that the solution being proposed will only create more problems by shifting the costs to hospital emergency rooms.

{Tape: 1; Side: B}

SENATOR FRANKLIN commented that once services have been discontinued, they never seem to return. SENATOR BENEDICT is correct; it's a state-provided service being used by one region.

CHAIRMAN BURNETT said the safety net will always be the emergency room.

Motion/Vote: THE DO PASS MOTION FOR SB 84 CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 36

Motion/Vote: SENATOR MOHL MOVED HB 36 DO PASS. The Motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 171

Motion/Vote: SENATOR BAER MOVED SB 171 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.

MONTANA SENATE
1995 LEGISLATURE
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

ROLL CALL

DATE

11/30/95

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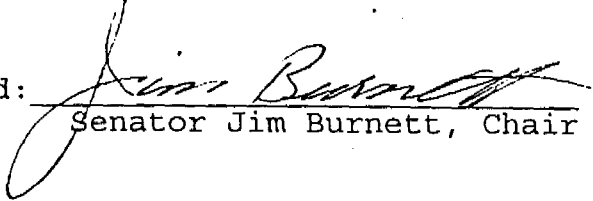
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 31, 1995

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration SB 171 (first reading copy -- white), respectfully report that SB 171 be amended as follows and as so amended do pass.

Signed:


Senator Jim Burnett, Chair

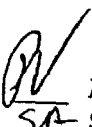
That such amendments read:

1. Page 2, line 2.

Following: "therapy"

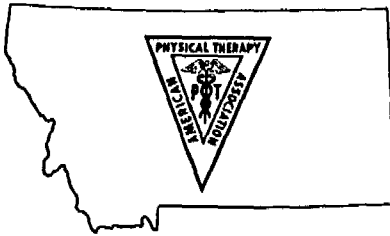
Insert: "but who may not make evaluations or design treatment plans"

-END-

 Amd. Coord.

SA Sec. of Senate

261235SC.SPV



SENATE HEALTH & WELFARE
EXHIBIT NO. 1
MONTANA CHAPTER DATE 1/30/95
OF THE
BILL NO. SB 171
AMERICAN PHYSICAL THERAPY ASSOCIATION

January 30, 1995

To: Senate Public Health Committee

From: Gail Wheatley, P.T.
Chapter President

Gail Wheatley PT

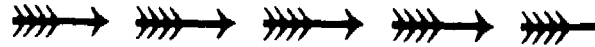
re: SB 171

Thank you for the opportunity to comment on SB 171 today, being sponsored by Senator Eve Franklin and Representative John Bohlinger. This bill was proposed by the Montana Chapter of the American Physical Therapy Association after several years of research and discussion among our members. We are acutely aware of the shortage of physical therapists in Montana, most particularly in the rural areas. We are presenting a proactive, innovative remedy to that shortage of practitioners. SB 171 will expand the ability of educationally prepared and licensed physical therapist assistants to provide service in Montana. Currently, direct on-site supervision is required. The supervisory guidelines will be loosened considerably and allow the licensed assistant to implement the treatment programs which have been individually designed by the licensed physical therapist after the therapist has performed a detailed physical and functional evaluation. This will address the problem of shortages while ensuring the public safety by requiring that the assistant graduate from an accredited two year curriculum and pass an examination for licensure. We also believe that this will be cost effective delivery of physical therapy. Assistants will be able to provide care in currently under- or unserved areas (rural in particular) allowing patients to exit high cost urban centers earlier. An injured worker, for example, will be able to receive needed physical therapy sooner after injury when therapy is available locally. Insurance companies may consider a reimbursement differential for services provided by an assistant, as is often done for physician's assistants.

SB 171 also has a provision for continuing education for relicensure of the physical therapist and physical therapist assistant. The hours (20 every two years) are easily acquired by programs currently being offered in the state from a variety of sources. We are dedicated to the provision of high quality physical therapy by providers who are knowledgeable and up-to-date in a rapidly advancing and changing profession.

I thank you for your support of this important piece of legislation for providing quality and accessible physical therapy in Montana. Please contact our lobbyist, Mona Jamison, with any questions you may have.

Red Lodge Physical Therapy SB 17



Prevention to Rehabilitation.....

January 30, 1995

Senator James H. Burnett
Members of the Senate Public Health Committee
Capitol Station
Helena, Mt. 59620

Re: Senate Bill 171

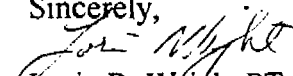
Dear Chairman Burnett and members of the committee,

I am here today as a proponent of SB 171. Montana has had difficulty in obtaining physical therapists to supply services in several areas of the state for many years. Areas of smaller population and rural areas have had difficulty. The licensure of the physical therapist assistant will open up opportunities to allow quality physical therapy services to these areas. In my own rural location we would like to have services for home health but the requirements demand five days per week services and the travel distances would at times be one hour between visits. In addition, low numbers of patients needing home health physical therapy has made hiring a physical therapist to do this impossible. A physical therapist assistant could see patients after an initial evaluation by a physical therapist and is well qualified to carry out treatment programs with ongoing periodic supervision. Physical therapist assistants are well educated in treatment parameters and have a two year college degree. They can work in concert with the physical therapist to fill some of the shortages in staffing and difficulty of patient access to physical therapy services.

The second objective of this bill is to define some continuing education requirements for physical therapy. I practice in a rural location where I am the solo practitioner. I feel that I have been able to get away from my practice long enough to come before you today and also to attend continuing education. Our profession is evolving rapidly with new technology that demands continuing education to continue to competently practice. The bill will allow many different options for continuing education from self study to more expensive courses. It also takes into consideration hardships and allows the Board of Physical Therapy Examiners to make exceptions for these situations. I feel that this is not a burden to physical therapy but an opportunity for improved quality and a requirement for any health care professional.

Thank you for your consideration of this bill and I urge you to vote for Senate Bill 171.

Sincerely,


Lorin R. Wright, PT

**Senate Public Health, Welfare, and Safety
Chairman Senator Jim Burnett**

**Senate Bill 171
Revising Physical Therapy Laws**

Mr. Chairman and members of the committee, I am Dick Brown, Sr. Vice President of the Montana Hospital Association. I am here to offer the association's support of Senate Bill 171.

We have been advised by CEOs of several rural hospitals in Montana that this legislation will create a positive impact on the quality and cost of delivering health care and specifically physical therapy services in rural communities. Broadening the use of physical therapy assistants by allowing them to provide physical therapy services without direct (onsite) supervision will expand the services available in these rural communities.

I have 3 letters from hospital administrators in the communities of Red Lodge, Hardin, and Libby all in support of this bill. I will provide these to committee secretary. We have also received phone calls of support from administrators.

I thank you for the opportunity to speak in support of this bill and encourage your support as well.



Carbon County Memorial Hospital
& Nursing Home

P.O. Box 590 • Red Lodge, MT 59068 • (406) 446-2345

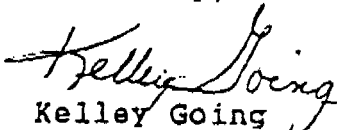
January 27, 1995

Dear Mr. Burnett,

I am writing you regarding legislative proposal to allow certified Physical Therapist Assistants to deliver care under the supervision of a licensed Physical Therapist in Montana. This would positively impact the quality of care of nursing home residents and allow us in Carbon County to better serve our rural home bound patients being cared for in our Home Health Program. Carbon County, as many of Montana's counties, covers a large geographic area. It is not cost effective for a physical therapist to cover the entire area when certified physical therapist assistants could deliver comparable care at less cost to Medicare under regular on-site supervision by a licensed physical therapist. Carbon County Home Care has not been able to deliver physical therapy in the home due to the shortage of physical therapist availability.

Jim, for these reasons we support SB 171. Please call me if you have any questions. My home phone is 406-446-3852 if you are unable to reach me at work.

Sincerely,


Kelley Going
Administrator

js

EXHIBIT 3
DATE 1-30-95
1 SB 171

Fax to Senator Bill Crismore

Fax from Ron Wiens, St. John's Hospital

Re: SB 171

Dear Senator Crismore:

Greetings from Libby!

On Monday, January 30th, the Senate Public Health and Welfare Committee will be hearing comments on Senate Bill 171.

Senate Bill 171, among other things, broadens the use of Physical Therapy Assistants (PTAs) in the provision of physical therapy services. It allows PTAs to provide physical therapy services to patients without direct (onsite) supervision by a physical therapist.

The physical therapist would be required to make onsite visits to the patient once every six visits or two weeks whichever comes first in order to assure the quality of the services provided by the PTA.

We believe the passage of SB 171 would be very beneficial to our Hospital. It would allow us to use our current PTA more effectively in providing Home Health visits and Nursing Home care.

It also is a very cost effective way of providing physical therapy services to our community. PTAs wage rates are about half those of a Physical Therapist. You can see the savings to our community and Hospital if we can better utilize the skills of PTAs.

If you have any questions, please call me.

Big Horn Hospital Association

Memorandum

Sent Via Fax

TO: James F. Ahrens, President MHA
FROM: Raymond Hino, Big Horn County Memorial Hospital
SUBJECT: Senate Bill 171
DATE: January 27, 1995

We support the approval of licensure status for physical therapy assistants. My only concern is Section 2. Section 37-11-105 which reads:

- (1) A physical therapist assistant ~~must~~ shall practice under the direct supervision of a licensed physical therapist who is responsible for and participates in a patient's care. This supervision requires the licensed physical therapist to make an onsite visit to the client at least once for every six visits made by an assistant or once every 2 weeks, whichever occurs first.

It occurs to me that this definition of supervision may limit the usefulness of PT Assistants in rural settings, who may have to rely on an out-of-town Physical Therapist for supervision. I would prefer that the second sentence not be included in the final, or leave out the language "whichever occurs first."

Thank you for your help in providing notification of this important regulatory change.

Jim,
I have also
given this information
to our local
Rheingy Tabl.
Thanks
R

Amendments to Senate Bill No. 171
First Reading Copy

Requested by Senator Eve Franklin
For the Committee on Public Health, Welfare, and Safety

Prepared by Susan Byorth Fox
January 27, 1995

1. Page 2, line 2.
Following: "therapy"
Insert: "but who may not make evaluations or design treatment
plans"

DATE 1/30/95
January 27, 1995
 SENATE COMMITTEE ON Public Health
 BILLS BEING HEARD TODAY: SB171

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Michelle Reed	MT Association Home Health Agencies	SB171	X	
Gail Wheately	MT Armer Phys. Ther. Assoc	SB171	X	
Dana Casman	POL - INFO Only	SB171		
Dick Cappis	MT American Physical Therapy Assoc	SB171	X	
Joe Smith	Smith Physical Therapy	SB171	X	
Shelly Griffin	Smith P.T.	SB171	X	
Lorin Wright	MT- chapter APTA	SB171	X	
Dick Brown	MT - HOSPITAL ASSN	SB171	X	
Laenderol	MT. Med Assoc	SB171	X	
Mina Jamnisch	PT Assoc.	SB171	X	
John W. Brown	DCHS / APTA	HB 36	X	
Gary Lussner	Physical Therapy		X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY